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E.O. 12958: DECL: 06/13/2017

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SUBJECT: TURKEY EXPANDS POLICE AUTHORITY

Classified By: Political Counselor Janice G. Weiner for reasons 1.4(b),
(d)

[11](#). (U) Summary. President Sezer approved on June 13 amendments to Turkey's police power law that expand authority to stop and search, fingerprint and photograph and use force. Human rights lawyers, NGO's and intellectuals are concerned the amendments will unduly augment police authority. In a recent statement, the Human Rights Association warned that expanding law enforcement authority contrary to legal and civil rights "will transform Turkey into a police state." Parliament's Justice Committee Chairman defended the amendments as needed and limited in scope. End summary.

[12](#). (SBU) The amendments to the Duties and Competencies of Police Law give police wider powers to fingerprint and photograph, stop people and vehicles, use force against those resisting police, and conduct investigations and preventive searches. Law enforcement officials have been pushing for expanded authority since 2002, when amendments that limited their powers were adopted to bring Turkey into compliance with EU standards. Human rights advocates claim that many law enforcement officials never accepted the 2002 changes and lobbied continuously for their previous powers to be restored. The threat of terrorism from the PKK and rising crime in some areas generated parliamentary support for the new amendments. Some commentators argue that compromising democracy for the sake of battling terrorism more efficiently is not acceptable in any democracy.

[13](#). (C) Parliament's Justice Committee Chairman, Koksal Toptan, rejected the human rights concerns as largely unfounded, although he conceded that more power to the police may come at the expense of civil liberties. Turkey's new penal and criminal procedure codes address what to do after a crime, he explained, but a vacuum existed regarding preventive measures. The Ministry of Interior (MOI) studied Germany's system and drafted the amendments to fill that gap. Parliament received the legislation just before its June 3 recess, after MOI resolved Ministry of Justice concerns that the changes would infringe of judicial jurisdiction.

[14](#). (C) Toptan rejected criticism that parliament adopted the amendments hastily, countering that increasing pressure on the government to improve Turkey's security situation necessitated fast action. Toptan noted parliament did not incorporate requests from the military for expanded power, and maintained that the amendments, which apply to police and jandarma, are needed, limited in scope and will not violate basic human rights. Fears of a return to "police state"

conditions of the past are exaggerated, he concluded.

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